

SECOND DRAFT

January 4 , 2005

PIPELINE ROUTING

Minnesota Rules, Chapter 4415.

4415.0010 DEFINITIONS.

Subpart 1. **Scope.** [As used in this chapter, the following terms have the meanings given them.](#)

[See repealer.](#) Subp. 2. **Affected landowner.** "Affected landowner" means an owner or lessee of record of real property, any part of which is within the proposed pipeline route.

Subp. 3. **Authorized representative or agent.** "Authorized representative" or "agent" means a person who is authorized to act as a contact person on behalf of the applicant or permittee.

Subp. 4. **Applicant.** "Applicant" means any person or persons who apply to the board for a conditional exclusion, partial exemption, pipeline route selection, or emergency.

Subp. 5. **Application.** "Application" means a document submitted by a person or persons to the board for conditional exclusion, partial exemption, pipeline route selection, or emergency, the contents of which are described in this chapter.

Subp. 6. **Associated facilities.** "Associated facilities" means all parts of those physical facilities through which hazardous liquids or gas moves in transportation, including but not limited to pipe, valves, and other appurtenances connected or attached to pipe, pumping and compressor units, fabricated assemblies associated with pumping and compressor units, metering and delivery stations, regulation stations, holders, breakout tanks, fabricated assemblies, cathodic protection equipment, telemetering equipment, and communication instrumentation located on the right-of-way.

Subp. 8. **Barrel.** "Barrel" means that quantity of liquid that is equal to 42 gallons.

Subp. 9. **Board.** "Board" means the Minnesota Environmental Quality Board.

Subp. 10. **Btu.** "Btu" means British thermal unit, a common unit of energy measurement that is used in this chapter for comparative purposes.

Subp. 11. **Chair.** "Chair" is the person defined in part 4405.0100, subpart 4, or in the absence of the chair, the vice-chair defined in part 4405.0100, subpart 21.

Subp. 12. **Construction.** "Construction" means any clearing of land, excavation, or other action for the purpose of constructing new pipeline that would adversely affect the natural environment of a pipeline route. Construction does not include changes needed for temporary use of a route for purposes of maintenance, repair, or replacement of an existing pipeline and associated facilities within existing rights-of-way, or for the minor relocation of less than three-quarters of a mile of an existing pipeline or for securing survey or geological data, including necessary borings to ascertain soil conditions.

Subp. 13. **Design day.** "Design day" means the 24-hour period of the greatest theoretical gas demand at a given average temperature.

Subp. 14. **Environment.** "Environment" means physical conditions existing in the area that may be affected by a proposed pipeline and associated facilities. It includes land, air, water, minerals, flora, fauna, ambient noise, energy resources, natural features, or artifacts of historic, archaeological, geologic, or aesthetic significance.

Subp. 15. **Equivalent mcf.** "Equivalent Mcf" shall mean the volume in thousands of cubic feet (Mcf) of the liquefied gas if it were gasified, measured at 14.73 pounds per square inch absolute (psia) and 60 degrees Fahrenheit.

Subp. 16. **Filed.** "Filed" means submitted to the board. A document is considered filed with the board when it is received by the board.

Subp. 17. **Gas.** "Gas" means natural gas, flammable gas, or gas which is toxic or corrosive.

Subp. 18. **Gas volume.** "Gas volume" means the volume of gas as measured at 14.73 psia and 60 degrees Fahrenheit. All volumes shall be in Mcf unless otherwise stated.

Subp. 19. **Hazardous liquid.** "Hazardous liquid" means petroleum, petroleum products, or anhydrous ammonia.

Subp. 20. **Liquefied gas.** "Liquefied gas" means natural or synthetic gas stored or transported as a liquid.

Subp. 21. **Liquefied petroleum gas; LPG.** "Liquefied petroleum gas" or "LPG" means synthetic gas, consisting mostly of hydrocarbons, stored or transported as a liquid.

Subp. 23. **Permittee.** "Permittee" means any person to whom a pipeline routing permit is issued.

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Subp. 24. **Person.** "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, cooperative, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

Subp. 25. **Pipe.** "Pipe" means any pipe or tube through which hazardous liquids or gas flows or is conveyed from one point to another.

Subp. 26. **Pipeline.** "Pipeline" means:

A. pipe with a nominal diameter of six inches or more that is designed to transport hazardous liquids, but does not include pipe designed to transport a hazardous liquid by gravity, and pipe designed to transport or store a hazardous liquid within a refining, storage, or manufacturing facility; or

B. pipe designed to be operated at a pressure of more than 275 pounds per square inch and to carry gas.

Subp. 27. **Pipeline company.** "Pipeline company" means an entity that operates a pipeline.

Subp. 28. **Pipeline project or project.** "Pipeline project" or "project" means a pipeline and associated facilities that are planned or under construction.

Subp. 29. **Pipeline routing permit.** "Pipeline routing permit" means the written document issued by the board to the permittee that designates a route for a pipeline and associated facilities, conditions for right-of-way preparation, construction, clean-up, and restoration. The permit may not set safety standards for pipeline construction.

Subp. 30. **Public adviser.** "Public adviser" means a staff person designated by the board for the sole purpose of assisting and advising any person on how to effectively participate in the pipeline route selection procedures.

Subp. 31. **Right-of-way.** "Right-of-way" means the interest in real property used or proposed to be used within a route to accommodate a pipeline and associated facilities.

Subp. 32. **Route.** "Route" means the proposed location of a pipeline between two end points. A route may have a variable width from the minimum required for the pipeline right-of-way up to [\[insert appropriate distance\]](#).

Subp. 33. **Route segment.** "Route segment" means a portion of a route.

Subp. 34. **Shelterbelt.** "Shelterbelt" means the barrier zone of grasses, shrubs, and trees, or any combination of them, planted to protect crops, soil, and other sensitive areas against erosion.

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Subp. 35. **Synthetic gas.** "Synthetic gas" means flammable gas created from gaseous, liquid, or solid hydrocarbons or other organic or inorganic matter. Synthetic gas shall include ethane, propane, butane, or their mixtures, whether extracted from gas streams, lifted from oil and gas wells, or produced at refineries or fuel conversion plants. It shall also include hydrogen or methane produced at conversion plants.

4415.1100 AUTHORITY, SCOPE, PURPOSE, AND OBJECTIVES.

Subpart 1. **Authority.** This chapter is adopted under authority granted in Minnesota Statutes, section [116I.015](#), to implement review procedures for the routing of pipelines that give effect to the purposes of the act.

Subp. 2. **Scope.** This chapter applies to pipelines defined in Minnesota Statutes, section [116I.015](#), unless excluded by statute or this chapter. This chapter does not set safety standards for the design or construction of pipelines. The issuance of a pipeline routing permit under Minnesota Statutes, section [116I.015](#), and this chapter for the subsequent purchase and use of a right-of-way with the route is the only approval required to be obtained by the person owning or constructing the pipeline. The pipeline routing permit supersedes and preempts all zoning, building, or land use rules, regulations, or ordinances adopted by regional, county, local, or special purpose governments, as provided in Minnesota Statutes, section [116I.015](#), subdivision 4. The pipeline routing permit must not contravene applicable state or federal jurisdiction, rules, or regulations that govern safety standards for pipelines nor shall the permit set safety standards for the design or construction of pipelines.

Subp. 3. **Purpose.** Minnesota Statutes, section [116I.015](#), recognizes that pipeline location and restoration of the affected area after construction is important to citizens and their welfare and that the presence or location of a pipeline may have a significant impact on humans and the environment.

To properly assess and determine the location of a pipeline, it is necessary to understand the impact that a proposed pipeline project will have on the environment. Pipeline route designation procedures, proper pipeline right-of-way preparation, construction practices, and restoration of the affected area will lessen or mitigate the impacts of the proposed pipeline project on humans and the environment. The purpose of this chapter is to aid in the selection of a pipeline route and to aid in the understanding of its impacts and how those impacts may be reduced or mitigated through the preparation and review of information contained in pipeline routing permit applications and environmental review documents.

Subp. 4. **Objectives.** The process created by this chapter is designed to:

- A. locate proposed pipelines in an orderly manner that minimizes adverse human and environmental impact;
- B. provide information to the project proposer, governmental decision makers, and the public concerning the primary human and environmental effects of a proposed pipeline project;
- C. reduce delay, uncertainty, and duplication in the review process; and
- D. ensure that pipeline routing permit needs are met and fulfilled in an orderly and timely manner.

4415.1200. EXCLUSIONS.

This chapter does not apply to [the following activities or facilities](#):

- A. temporary use of a route for purposes other than installation of a pipeline;
- B. securing survey and geological data;
- C. repair or replacement of an existing pipeline within an existing right-of-way;
- D. minor relocation of less than three-quarters of a mile of an existing pipeline;
- E. pipe designed to transport a hazardous liquid by gravity;
- F. associated facilities and pipe designed to transport or store a hazardous liquid within a refining, storage, or manufacturing facility;
- G. associated facilities when they are being constructed as an addition to an existing pipeline;
- H. maintenance activities on existing pipeline rights-of-way;
- I. natural gas pipelines occupying streets, highways, or other public property within a municipality under rights granted pursuant to a license, permit, right, or franchise that has been granted by the municipality under authority of Minnesota Statutes, section [216B.36](#); and

J. any person that proposes to construct or operate an interstate natural gas pipeline under the authority of the federal Natural Gas Act, United States Code, title 15, section 717, et. seq.

4415.1300. CONDITIONAL EXCLUSIONS.

Subpart 1. Conditional exclusion. A pipeline routing permit from the EQB is not required to construct a new pipeline in a right-of-way in which a pipeline has been constructed before July 1, 1988, or in a right-of-way that has been approved by the board after July 1, 1988, except when the board determines that there is a significant chance of an adverse effect on the environment or that there has been a significant change in land use or population density in or near the right-of-way since the first construction of a pipeline within the right-of-way, or since the board first approved the route within which the right-of-way is located. Part 4415.1300 addresses conditional exclusion procedures.

Subp. 2. Procedures. Any person having a reasonable basis to assert that a pipeline routing permit is not required to construct or operate a proposed pipeline under subpart 1 shall notify the board and the county board of each county through which the pipeline will be constructed before commencing construction of the pipeline. The board shall make a determination on whether to grant a conditional exclusion only when the pipeline company:

A. completes the environmental assessment worksheet (EAW) review procedures as provided in parts 4410.1000 to 4410.1700; and

B. provides information that will allow the board to determine if there has been a significant change in land use or population density in or near the right-of-way since the first construction of pipeline in the right-of-way, or since the board first approved the right-of-way. This information will be distributed with the EAW for comments.

Subp. 3. Determination. The board shall grant a conditional exclusion unless it finds that:

A. there is a significant chance of an adverse effect on the environment; or

B. there has been a significant change in land use or population density in or near the right-of-way since the first construction of the pipeline in the right-of-way, or since the board first approved the right-of-way.

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Subp. 4. **Granting of conditional exclusion.** When an exclusion is granted, the applicant must comply with the requirements provided by Minnesota Statutes, sections [116I.02](#) and [117.49](#). No further review under Minnesota Statutes, section [116I.015](#), and this chapter is required.

Subp. 5. **Denial of exclusion.** If the board does not grant an exclusion, the pipeline company may submit an application for a pipeline routing permit.

4415.2000 PERMIT REQUIREMENT

Subdivision 1. **Pipeline Routing Permit.** No person may construct a pipeline subject to EQB jurisdiction without a pipeline routing permit from the board. Such a pipeline may be constructed only within a route approved by the board.

Subd. 2. **Commence construction.** No person may commence construction of a pipeline subject to EQB jurisdiction until a pipeline routing permit has been issued by the board.

Subd. 3. **Easements.** Any easements or right-of-way agreements obtained from potentially affected landowners before issuance of a pipeline routing permit are obtained at the sole risk of the applicant. The fact that the agreements have been obtained shall not be considered by the board in selecting the route.

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4415.2100 PERMIT FEES.

Subpart 1. **Requirement.** An applicant for a pipeline routing permit shall pay a fee to cover the costs of the EQB in implementing the permit procedures. The chair shall determine the estimated fee for processing the permit application prior to or at the time the application is submitted.

Subp. 2. **Initial payment.** The applicant shall submit with the application 25 percent of the total estimated fee, or up to 50 percent of the total estimated fee if the board determines that the additional percentage is reasonably necessary to complete the route evaluation and design process. The chair shall not process a permit application until the first portion of the fee is submitted. The EQB shall deposit all money received from the applicant for permit fees in a special account.

Subp. 3. **Additional payments.** The applicant shall pay an additional 25 percent of the fee within 90 days after the application has been accepted by the chair. Additional payments must be made within 30 days of notification by the chair that additional fees are necessary for completion of the permitting process. The board shall not make a final decision on a permit application if any assessed fees have not been paid.

Subp. 4. **Final accounting.** At the end of the permitting process, including any judicial review of the board's final decision, the EQB shall provide a final accounting to the applicant of the total cost of processing the permit application. The applicant may review all actual costs associated with processing an application and present objections to the board. The application fees paid by the applicant shall include the necessary and reasonable expenses incurred in processing the application, including, but not limited to, staff time, expenses for public notice and meetings and hearings, environmental review, administrative overhead, and legal expenses. The applicant shall make the final payment within 30 days of notification or the EQB shall refund any excess payments with 30 days of the final accounting.

CONTENTS OF PERMIT APPLICATION

4415.2200 GENERAL INFORMATION

Subpart 1. **Cover letter.** Each application must be accompanied by a cover letter signed by an authorized representative or agent of the applicant. The cover letter must specify the type, size, and general characteristics of the pipeline for which an application is submitted.

Subp. 2. **Title page and table of contents.** Each application must contain a title page and a complete table of contents.

Subp. 3. **Statement of ownership.** Each application must include a statement of proposed ownership of the pipeline as of the day of filing and an affidavit authorizing the applicant to act on behalf of those planning to participate in the pipeline project.

Subp. 4. **Background information.** Each application must contain the following information:

- A. the applicant's complete name, address, and telephone number;
- B. the complete name, title, address, and telephone number of the authorized representative or agent to be contacted concerning the applicant's filing;
- C. the signatures and titles of persons authorized to sign the application, and the signature of the preparer of the application if prepared by an outside representative or agent; and
- D. a brief description of the proposed project which includes:
 - (1) general location;
 - (2) planned use and purpose;
 - (3) estimated cost;
 - (4) planned in-service date; and
 - (5) general design and operational specifications for the type of pipeline for which an application is submitted.

Subp. 5. **Filing of application for permit.** A person seeking a pipeline routing permit must file three copies of the application for the permit with the EQB. Upon acceptance of the application, the chair will advise the applicant of how many copies of the application must be submitted to the EQB. A person filing an application for a pipeline routing permit shall provide the EQB with an electronic version of the application

4415.2210 DESCRIPTION OF PROPOSED PIPELINE AND ASSOCIATED FACILITIES.

Subpart 1. **Pipeline design specifications.** The specifications for pipeline design and construction are assumed to be in compliance with all applicable state and federal rules or regulations unless determined otherwise by the state or federal agency having jurisdiction over the enforcement of such rules or regulations. For public information purposes, the anticipated pipeline design specifications must include but are not limited to:

- A. pipe size (outside diameter) in inches;
- B. pipe type;
- C. nominal wall thickness in inches;

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- D. pipe design factor;
- E. longitudinal or seam joint factor;
- F. class location and requirements, where applicable;
- G. specified minimum yield strength in pounds per square inch; and
- H. tensile strength in pounds per square inch.

Subp. 2. **Operating pressure.** Operating pressure must include:

- A. operating pressure (psig); and
- B. maximum allowable operating pressure (psig).

Subp. 3. **Description of associated facilities.** For public information purposes, the applicant shall provide a general description of all pertinent associated facilities on the right-of-way.

Subp. 4. **Product capacity information.** The applicant shall provide information on planned minimum and maximum design capacity or throughput in the appropriate unit of measure for the types of products shipped as defined in part 4415.0010.

Subp. 5. **Product description.** The applicant shall provide a complete listing of products the pipeline is intended to ship and a list of products the pipeline is designed to transport, if different from those intended for shipping, [as defined in part 4415.0010](#).

Subp. 6. **Material safety data sheet.** For each type of product that will be shipped through the pipeline, the applicant shall provide for public information purposes the material identification, ingredients, physical data, fire and explosive data, reactivity data, occupational exposure limits, health information, emergency and first aid procedures, transportation requirements, and other known regulatory controls.

4415.2220 LAND REQUIREMENTS.

For the proposed pipeline, the applicant shall provide the following information:

- A. permanent right-of-way length, average width, and estimated acreage;
- B. temporary right-of-way (workspace) length, estimated width, and estimated acreage;
- C. estimated range of minimum trench or ditch dimensions including bottom width, top width, depth, and cubic yards of dirt excavated;

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D. minimum depth of cover for state and federal requirements; and

E. rights-of-way sharing or paralleling: type of facility in the right-of-way, and the estimated length, width, and acreage of the right-of-way.

4415.2230 PROJECT EXPANSION.

If the pipeline and associated facilities are designed for expansion in the future, the applicant shall provide a description of how the proposed pipeline and associated facilities may be expanded by looping, by additional compressor and pump stations, or by other available methods.

4415.2240 RIGHT-OF-WAY PREPARATION PROCEDURES AND CONSTRUCTION ACTIVITY SEQUENCE.

Each applicant shall provide a description of the general right-of-way preparation procedures and construction activity sequence anticipated for the proposed pipeline and associated facilities.

4415.2250 LOCATION OF PREFERRED ROUTE AND DESCRIPTION OF ENVIRONMENT.

Subpart 1. **Preferred route location.** The applicant must identify the preferred route for the proposed pipeline and associated facilities, on any of the following documents which must be submitted with the application:

A. United States Geological Survey topographical maps to the scale of 1:24,000, if available;

B. Minnesota Department of Transportation county highway maps; or

C. aerial photos or other appropriate maps of equal or greater detail in items A and B. The maps or photos may be reduced for inclusion in the application. One full-sized set shall be provided to the board.

Subp. 2. **Other route locations.** All other route alternatives considered by the applicant must be identified on a separate map or aerial photos or set of maps and photos or identified in correspondence or other documents evidencing consideration of the route by the applicant.

Subp. 3. **Description of environment.** The applicant must provide a description of the existing environment along the preferred route.

4415.2260 ENVIRONMENTAL IMPACT OF PREFERRED ROUTE.

The applicant must also submit to the board along with the application an analysis of the potential human and environmental impacts that may be expected from pipeline right-of-way preparation and construction practices and operation and maintenance procedures. These impacts include but are not limited to the impacts for which criteria are specified in part [4415.5100](#).

4415.2270 RIGHT-OF-WAY PROTECTION AND RESTORATION MEASURES.

Subpart 1. **Protection.** The applicant must describe what measures will be taken to protect the right-of-way or mitigate the adverse impacts of right-of-way preparation, pipeline construction, and operation and maintenance on the human and natural environment.

Subp. 2. **Restoration.** The applicant must describe what measures will be taken to restore the right-of-way and other areas adversely affected by construction of the pipeline. [If the pipeline will cross agricultural land, the applicant shall include in the application an agricultural impact mitigation plan describing practices and methods that will be implemented to protect and restore any agricultural land crossed by the pipeline.](#)

4415.2280 OPERATION AND MAINTENANCE.

Pipeline operations and maintenance are assumed to be in compliance with all applicable state and federal rules or regulations, unless determined otherwise by the state or federal agency having jurisdiction over the enforcement of such rules or regulations. For public information purposes, the applicant must provide a general description of the anticipated operation and maintenance practices planned for the proposed pipeline.

4415.2290 LIST OF GOVERNMENT AGENCIES AND PERMITS.

Each application must contain a list of all the known federal, state, and local agencies or authorities and titles of the permits they issue that are required for the proposed pipeline and associated facilities.

4415.2295 EVIDENCE OF CONSIDERATION OF ALTERNATIVE ROUTES.

If the applicant is applying for a pipeline routing permit under parts [4415.0045](#) to [4415.0100](#), the applicant shall provide a summary discussion of the environmental impact of pipeline construction along the alternative routes consistent with the requirements of parts [4415.0140](#) to [4415.0145](#) and the rationale for rejection of the routing alternatives.

PERMIT REVIEW

4415.3000 REVIEW OF APPLICATION

Subpart 1. **Review by chair.** Within ten working days of receipt of an application for a pipeline routing permit, the chair shall determine whether the application is complete and notify the applicant in writing of the acceptance or rejection of the application. If the chair rejects an application, the chair shall advise the applicant of the deficiencies in the application.

Subp. 2. **Resubmission of rejected application.** If the chair should reject an application, an applicant may decide to address the deficiencies identified by the chair and resubmit the application with additional information. In this event, the chair shall again review the application within ten days and determine whether the application is complete and advise the applicant of the chair's determination.

Subp. 3. **Reasons for rejection.** The chair shall not reject an application if the information that is missing can be obtained from the applicant within 60 days from the date of the application and the lack of the information will not interfere with the public's ability to review the proposed project.

Subp. 4. **Schedule.** The date of the chair's determination that an application is accepted marks the start of the schedule 4415.3100, NOTICE OF APPLICATION.

Subpart 1. **Notification to persons on general list, to local officials, and to property owners.** Within 15 days after acceptance of an application, the applicant shall mail written notice of the acceptance to the following people:

A. those persons whose names are on the general list maintained by the EQB pursuant to Minnesota Rules part 4400.1350;

B. each regional development commission, county, incorporated municipality, and township in which any part of the site or route or any alternative is proposed to be located; and

C. each owner whose property is within the proposed route for the pipeline. For purposes of giving notice under this item, owners are those persons shown on the records of the county auditor or, in any county where tax statements are mailed by the county treasurer, on the records of the county treasurer, or any other list of owners approved by the chair.

Subp. 2. **Content of notice.** The notice mailed under subpart 1 shall contain the following information:

A. a description of the proposed project, including a map showing the general area of the proposed route and each alternative that was considered;

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B. a statement that a permit application has been submitted to the EQB, the name of the permit applicant, and information regarding how a copy of the application may be obtained;

C. a statement that the permit application will be considered by the EQB under the provisions of these rules and describing the time periods for the EQB to act;

D. a statement that the EQB will hold a public meeting within 60 days and the date of the meeting if it is known at the time of the mailing;

E. the manner in which the EQB will conduct environmental review of the proposed project, including the holding of a scoping meeting at which additional alternative routes to the project may be proposed;

F. the name of the EQB staff member who has been appointed by the chair to serve as the public advisor, if known, or otherwise, a general contact at the EQB;

G. the manner in which persons may register their names with the EQB on the project contact list;

H. a statement describing the rights of any person to request that a public hearing be conducted in the matter ;

I. a statement indicating whether a certificate of need or other authorization from the Public Utilities Commission is required for the project and the status of the matter if such authorization is required;

J. a statement indicating whether the applicant may exercise the power of eminent domain to acquire the land necessary for the project and the basis for such authority; and

K. any other information requested by the chair to be included in the notice.

Subp. 4. **Publication of notice.** Within 15 days after acceptance of an application, the applicant shall publish notice in a legal newspaper of general circulation in each county in which the route is proposed to be located that an application has been accepted and a description of the proposed project. The notice must also state where a copy of the application may be reviewed.

Subp. 5. **Confirmation of notice.** Within 30 days after providing the requisite notice, the applicant shall submit to the EQB documentation that all notices required under this part have been given. The applicant shall document the giving of the notice by providing the EQB with affidavits of publication or mailing and copies of the notice provided.

Subp. 6. **Failure to give notice.** The failure of the applicant to give the requisite notice does not invalidate any ongoing permit proceedings provided the applicant has made a bona fide attempt to comply, although the chair may extend the time for the

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public to participate if the failure has interfered with the public's right to be informed about the project.

Subp. 7. **Project contact list.** The EQB shall maintain a project contact list for each project for which an application for a permit has been accepted. The project contact list must contain the names of persons who want to receive notices regarding the project. Any person may request to have his or her name or an organization's name included on a project contact list. The EQB may add a person's name to the list if the EQB believes the person would like to receive notices about the particular project. The EQB shall provide an applicant with the project contact list upon request.

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4415.3200 CITIZEN ADVISORY TASK FORCE.

Subpart 1. **Chair authority.** The board delegates to the chair the authority to appoint a citizen advisory task force. The chair shall determine whether to appoint such a task force as early in the process as possible. The chair may elect to appoint a task force before a permit application is actually submitted if the chair determines that it is reasonable to do so. The chair shall advise the board of the appointment of the task force at the next monthly board meeting.

Subp. 2. **Membership.** The chair shall establish the size of the task force and appoint its members, but the chair shall include on the task force at least one representative from each of the following: a regional development commission, the county, a municipal corporation, and a town board from each county in which a route is proposed to be located. No officer, agent, or employee of the applicant shall serve on the citizen's advisory committee.

Subp. 3. **Board decision.** If the chair decides not to appoint a citizen advisory task force and a person would like such a task force appointed, the person may request that the board create a citizen advisory task force and appoint its members. Upon receipt of such a request, the chair shall place the matter on the agenda for the next regular monthly board meeting.

Subp. 4. **Task force responsibilities.** Upon appointment of a citizen advisory task force, the chair or the board, whichever creates the task force, shall specify in writing the charge to the task force. The charge shall include the identification of additional sites or routes or particular impacts to be evaluated in the environmental assessment. The chair or the board may establish additional charges, including a request that the task force express a preference for a specific route if it has one.

Subp. 5. **Termination of task force.** The task force expires upon completion of its charge, designation by the chair of alternative routes to be included in the environmental assessment, or the specific date identified by the chair or board in the charge, whichever occurs first. **4415.3300 PUBLIC ADVISOR.**

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Deleted: Within 20 days of board acceptance of an application for a pipeline routing permit under part 4415.0105, subpart 4, the board shall provide published notice of acceptance of the application in a newspaper in each county in which a route is proposed by the applicant. ¶

The notice must include: ¶

- A. identification of the applicant; ¶
- B. the date of the board's acceptance of the application; ¶
- C. a brief description of the proposed facility including but not limited to size and type; ¶
- D. a map showing the routes proposed in that county; ¶
- E. the name and function of the public adviser and the address and telephone number where that person can be reached; ¶
- F. locations where the pipeline routing permit application is available to the public; ¶
- G. procedures for proposing alternate routes; and ¶
- H. notice of public information meetings.

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Upon acceptance of an application for a pipeline routing permit, the chair shall designate a staff person to act as the public advisor on the project. The public advisor must be available to answer questions from the public about the permitting process. The public advisor shall not give legal advice or other advice that may affect the legal rights of the person being advised, and the public advisor shall not act as an advocate on behalf of any person.

Deleted: The public adviser shall be available to any person to advise that person how to effectively participate in route selection procedures. The public adviser is not authorized to give legal advice or advice that may affect the legal rights of the person being advised or to act as an advocate. ¶

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4415.3400 PUBLIC INFORMATION MEETING.

Subpart 1. **Scheduling public meeting.** Upon acceptance of an application for a pipeline routing permit, the chair shall schedule at least one public meeting to provide information to the public about the proposed project and to answer questions and to scope the environmental assessment. The public meeting must be held no later than 60 days after acceptance of the application. The public meeting must be held in a location that is convenient for persons who live near the proposed project. A public meeting shall be held in as many locations as the chair determines is appropriate to afford interested persons an opportunity to attend.

Subp. 2. **Notice of public meeting.** The EQB shall give at least ten days' notice of the public meeting by mailing notice to persons whose names are on the project contact list maintained pursuant to part 4415.3100, subpart 7. The EQB shall also publish notice of the public meeting in a legal newspaper of general circulation in the area where the project is proposed to be located. If appropriate, the EQB may request the applicant to include notice of the public meeting in the notice to be provided by the applicant pursuant to part 4415.3100.

Subp. 3. **Conduct of public meeting.** The chair shall appoint a person, who may be an EQB staff person, to conduct the public meeting. The public meeting must be conducted in an informal manner designed to encourage public participation. The public must be afforded an opportunity to present comments and ask questions. The EQB shall make available at the public meeting a copy of the application and other pertinent documents in the EQB files regarding the application. The staff shall explain the permitting process to the persons in attendance. A transcript of the meeting need not be maintained, although the EQB may elect to keep an audio recording of the meeting.

Subp. 4. **Applicant role.** The applicant shall provide representatives at the public meeting who are capable of answering general questions about the proposed project.

Subp. 5. **Scoping of Environmental Assessment.** At the public meeting, the public must be provided an opportunity to comment on the scope of the environmental assessment in accordance with part 4415.3500.

4415.3500 PREPARATION OF ENVIRONMENTAL ASSESSMENT.

Subpart 1. **Environmental assessment required.** The EQB shall prepare an environmental assessment on each proposed pipeline subject to EQB jurisdiction. The environmental assessment must contain information on the human and environmental impacts of the proposed project and of alternative routes identified by the chair and shall address mitigating measures for all routes considered.

Subp. 2. **Scoping process.**

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A. The EQB shall provide the public with an opportunity to participate in the development of the scope of the environmental assessment by holding a public meeting and by soliciting public comments. The public meeting required under part 4415.3400 satisfies the requirement to hold a scoping meeting. The EQB shall mail notice of the meeting to those persons on either the general list or the project contact list at least ten days before the meeting. The EQB shall provide at least seven days from the day of the public meeting for the public to submit comments regarding the scope of the environmental assessment.

B. The chair shall include in the scope of the environmental assessment any alternative routes proposed by the citizen advisory task force or by any member agency of the EQB prior to the close of the scoping period. During the scoping process, any person may suggest an alternative route to evaluate in the environmental assessment. A person desiring that a particular route be evaluated shall submit to the chair, during the scoping process, an explanation of why the route should be included in the environmental assessment and all supporting information the person wants the chair to consider. The chair shall provide the applicant with an opportunity to respond to each request that an alternative be included in the environmental assessment. The chair shall include the suggested route in the scope of the environmental assessment only if the chair determines that evaluation of the route will assist in the board's ultimate decision on the permit application. Any person may also suggest specific human or environmental impacts that should be included in the environmental assessment.

Subp. 3. **Scoping decision.** The chair shall determine the scope of the environmental assessment within ten days after close of the public comment period and shall mail notice of the scoping decision to those persons on the project contact list within five days after the decision. The chair may elect to bring the matter of the scope of the environmental assessment to the board for resolution. Once the chair has determined the scope of the environmental assessment, the scope shall not be changed except upon a decision by the chair or the board that substantial changes have been made in the project or substantial new information has arisen significantly affecting the potential environmental effects of the project or the availability of reasonable alternatives. The chair shall also determine as part of the scoping process a reasonable schedule for completion of the environmental assessment. The scoping decision by the chair must identify:

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A. the alternative routes, if any, to be addressed in the environmental assessment;

B. any specific potential impacts to be addressed;

C. the schedule for completion of the environmental assessment; and

D. other matters to be included in the environmental assessment.

E. specific matters that will not be addressed in the environmental assessment if appropriate.

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Subp. 4. **Content of environmental assessment.** The environmental assessment must include:

- A. a general description of the proposed facility;
- B. a list of any alternative routes that are addressed;
- C. a discussion of the potential impacts of the proposed project and each alternative route on the human and natural environment;
- D. a discussion of mitigative measures that could reasonably be implemented to eliminate or minimize any adverse impacts identified for the proposed project and each alternative route analyzed;
- E. an analysis of the feasibility of each alternative route considered;
- F. a list of permits required for the project; and
- G. a discussion of other matters identified in the scoping process.

Subp. 5. **Time frame for completion of environmental assessment.** The EQB shall complete the environmental assessment in accordance with the schedule established during the scoping process. In establishing the schedule for completion of the environmental assessment, the chair shall take into account any applicable statutory deadlines, the number and complexity of the alternatives and impacts to be addressed, the status of other proceedings affecting the project, and the interests of the public, the applicant, and the EQB.

Subp. 6. **Notification of availability of environmental assessment.** Upon completion of the environmental assessment, the EQB shall publish notice in the EQB Monitor of the availability of the environmental assessment and mail notice of the availability of the document to those persons on the project contact list. The EQB shall provide a copy of the environmental assessment to any public agency with authority to permit or approve the proposed project. The EQB shall post the environmental assessment on the agency's Web page, if possible.

Subp. 7. **Matters excluded.** When the Public Utilities Commission has issued a Certificate of Need for a new pipeline, the environmental assessment shall not address questions of need, including size, type, and timing of the new pipeline.

Subp. 8. **No additional environmental review.** An environmental assessment shall be the only state environmental review document required to be prepared by the EQB on a proposed pipeline subject to EQB jurisdiction. No environmental assessment worksheet or environmental impact statement shall be required.

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Subp. 9. **Cost.** The cost of the preparation of an environmental assessment must be assessed to the applicant as part of the application fee pursuant to part 4415.2100.

4415.3600 PUBLIC HEARING

Subpart 1. **Public hearing.** The EQB shall hold a public hearing once the environmental assessment has been completed. The hearing shall be conducted by an administrative law judge from the Office of Administrative Hearings. At least a portion of the hearing must be held in a county where the proposed pipeline would be located.

Subp. 2. **Notice.** The chair shall give notice of the hearing by mailing notice to those persons on the project contact list and by publication in a newspaper of local distribution at least ten days before the day of the hearing.

Subp. 3. **Environmental assessment.** Interested persons may comment upon the environmental assessment at the public hearing. Comments on the environmental assessment shall become part of the record in the proceeding but the board shall not be required to revise or supplement the environmental assessment document.

4415.3700 FINAL DECISION

Subpart 1. **Timing.** The board shall make a final decision on a pipeline routing permit application within 60 days after receipt of report of the administrative law judge. A final decision must be made within nine months after the chair's acceptance of the application. The board may extend this time limit for just cause or upon agreement of the applicant.

Subp. 2. **Completeness of environmental assessment.** At the time the board makes a final decision on the permit application, the board shall determine whether the environmental assessment and the record created at the public hearing address the issues identified in the scoping decision.

Subp. 3. **Certificate of need decision.** The EQB shall not make a final decision on a permit for a pipeline project that requires a certificate of need from the Public Utilities Commission until the applicant has obtained the necessary approval from the Public Utilities Commission.

Subp. 4. **Notice.** The EQB shall publish notice of its final permit decision in the State Register within 30 days of the day the board makes the decision. The EQB shall also publish notice in the EQB Monitor. The EQB shall mail notice of its final permit decision to those persons whose names are on the project contact list. The EQB shall post notice of the final decision on the agency's Web page, if possible.

Subp. 5. **Permit distribution.** The permittee shall, within ten days of receipt of the pipeline routing permit from the board, send a copy of the permit to the office of each regional development commission of a development region, soil and water conservation district, watershed district, watershed management district, office of the

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auditor of each county, and to the clerk of each city and township, crossed by the designated route. The permittee shall provide a copy of the pipeline routing permit to affected landowners before construction on the affected landowners' property.

EXEMPTION FROM CERTAIN REVIEW REQUIREMENTS

4415.4000 ELIGIBLE PROJECTS

Subpart 1. **Eligible projects.** An applicant for a pipeline routing permit for a pipeline that meets one of the following criteria and [no portion of which is located in the Twin Cities metropolitan area – this has to be defined] may elect to follow the procedures of parts 4415.4000 to 4415.4500 instead of the full permitting procedures in parts 4415.3000 to 4415.3700.

A. Any pipeline of less than 25 miles;

B. Any pipeline less than ten inches in nominal diameter with less than 50 miles of its length in Minnesota and designed for transporting petroleum or petroleum products;

C. Any pipeline designed for transporting natural gas at less than 500 pounds per square inch with less than 50 miles of its length in Minnesota; and

D. Any pipeline that parallels an existing pipeline or transmission line right-of-way and requires no more than 100 feet of additional right-of-way along the existing right-of-way.

Subp. 2. **Notice to EQB.** An applicant for a permit for one of the eligible projects in subpart 1, who intends to follow the procedures of parts 4415.4000 to 4415.4500, shall notify the EQB of such intent, in writing, at least ten days before submitting an application for the project.

4415.4100 APPLICABLE REQUIREMENTS

Subpart 1. **Permit Application.** An applicant for a pipeline routing permit for a project eligible for an exemption from certain review requirements shall comply with the requirements of parts 4415.2200 to 4415.2295 in submitting an application.

Subp. 2. **Other applicable requirements.** The provisions of parts 4415.3100, 4415.3200, and 4415.3300 apply to projects eligible for review under parts 4415.4000 to 4415.4400.

4415.4200. PRELIMINARY DETERMINATION AND DRAFT PERMIT.

Subpart 1. **Preliminary determination.** Within 45 days after acceptance of the application by the chair, the chair shall make a preliminary determination whether a pipeline routing permit may be issued or should be denied. If the preliminary

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determination is to issue a permit, the chair shall prepare a draft permit for the project. The draft permit must identify the person or persons who will be the permittee, identify the route proposed to be authorized, describe the proposed pipeline, and include proposed permit conditions.

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Subp. 2. **Effect of draft permit.** A draft pipeline routing permit does not authorize a person to construct a pipeline. The board may change the draft permit in any respect before final issuance or may deny the site permit.

4415.4300 **PUBLIC PARTICIPATION.**

Subpart 1. **Public notice.** Upon preparation of a draft permit, the EQB shall provide public notice of the draft permit. The public notice must include the following:

A. the name and address of the applicant for the permit;

B. a concise description of the proposed pipeline project;

C. the location where a copy of the permit application may be reviewed and how a copy of the application may be obtained;

D. a statement of the availability of the draft permit;

E. the name of the public advisor and how the public advisor may be contacted to obtain more information;

F. the time and place of a public information meeting;

G. a statement that during the comment period any person may submit comments to the board on the draft permit, a statement of the dates on which the comment period commences and terminates, and a statement that any person may request a public hearing on the matter; and

H. a brief description of the anticipated procedures for reaching a final decision on the permit application.

Subp. 2. **Distribution of public notice.** The EQB shall publish the notice in a newspaper in each county in which the proposed pipeline is to be located. The EQB shall also mail the public notice to those persons known to the EQB to be interested in the proposed project, including governmental officials in each county in which the pipeline is proposed to be located. The EQB shall also publish notice in the EQB Monitor.

Subp. 3. **Public comments on draft permit.** The EQB shall afford the public a minimum of 30 days after publication of the draft pipeline routing permit notice in the EQB Monitor to submit written comments to the EQB. The chair may extend the public comment period if necessary to afford the public adequate time to review the application

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and other pertinent information in order to formulate complete comments on the draft site permit and the project.

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Subp. 4. **Public information meeting.** The EQB shall hold at least one public information meeting in a convenient location in the vicinity of the proposed pipeline project. The EQB shall give the public at least ten days' notice of the public information meeting. The public information meeting must be held more than ten days prior to the end of the public comment period on the draft site permit. The chair shall extend the comment period if necessary to meet this requirement.

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4415.4400. **PUBLIC HEARING**

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Subpart 1. **Public hearing.** The EQB can decide to hold a public hearing on a proposed pipeline project subject to review under parts 4415.4000 to 4415.4500. Any person may request that the EQB hold a public hearing on a proposed pipeline project within the EQB's jurisdiction. The EQB must grant the request to hold a public hearing upon a determination that:

A. there is a material issue of fact in dispute concerning the project;

B. the EQB has jurisdiction to make a determination on the disputed material issue of fact; and

C. there is a reasonable basis underlying the disputed material issue of fact or facts such that the holding a public hearing would allow the introduction of information that would aid the EQB in resolving the disputed fact or facts in making a final decision on the matter.

Subp. 2. **Notice.** If the board should decide to hold a public hearing, the EQB shall give notice of the hearing by mailing notice to those persons on the project contact list and by publication in a newspaper of local distribution at least ten days before the day of the hearing. At least a portion of the hearing shall be held in a county where the proposed pipeline would be located.

Subp. 2. **Hearing examiner.** The chair shall appoint a person to act as the hearing examiner at the public hearing. The hearing examiner may be an employee of the EQB. The hearing examiner shall set the date and place for the hearing and provide notice to the public. The hearing examiner may make such rulings as are required to conduct the hearing in a fair, impartial, and expeditious manner, including the authority to maintain decorum at the hearing, to exclude repetitious or irrelevant testimony, to limit the amount of time for oral testimony, and to continue the hearing from time to time as needed. Persons may testify at the hearing without being first sworn under oath. The hearing examiner shall ensure that the record created at the hearing is preserved and transmitted to the board. An audio recording of the hearing must be made, unless the chair determines that a court reporter is appropriate. The hearing examiner shall not prepare a

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report or make any recommendation to the board unless the chair or the board requests the hearing examiner to do so.

Subp. 3. **Hearing procedure.** The hearing must be conducted in the following manner, although the hearing examiner may vary the order in which the hearing proceeds:

A. the staff shall make a brief presentation to describe the project, explain the process to be followed, and introduce documents to be included in the record, including the application, the environmental assessment, and various procedural documents;

B. the applicant shall introduce its evidence by way of testimony and exhibits;

C. the public must be afforded an opportunity to make an oral presentation, present documentary evidence, and ask questions of the applicant and staff;

D. the hearing examiner shall provide a period of not less than ten days for the submission of written comments into the record after the close of the hearing; and

E. the hearing examiner shall transmit the complete record created at the hearing, including all written comments, to the chair within five days of the close of the record, unless the hearing examiner has been requested by the chair or the board to prepare a report.

4415.4500 FINAL DECISION

Subpart 1. **Timing.** The board shall make a final decision on a pipeline routing permit application within six months after the chair's determination that an application is accepted. The board may extend this time limit for just cause or upon agreement of the applicant.

Subp. 2. **Notice.** The EQB shall publish notice of its final permit decision in the State Register within 30 days of the day the board makes the decision. The EQB shall also publish notice in the EQB Monitor. The EQB shall mail notice of its final permit decision to those persons whose names are on the project contact list. The EQB shall post notice of the final decision on the agency's Web page, if possible.

Subp. 3. **Permit distribution.** The permittee shall, within ten days of receipt of the pipeline routing permit from the board, distribute the permit in accordance with part 4415.3700, subpart 4.

ROUTE SELECTION

4415.5000 **STANDARD.** In determining the route of a proposed pipeline, the board shall consider the characteristics, the potential impacts, and methods to minimize or

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mitigate the potential impacts of all proposed routes so that it may select a route that minimizes human and environmental impact.

4415.5100 **CRITERIA.** In selecting a route for designation and issuance of a pipeline routing permit, the board shall consider the impact on the pipeline of the following:

- A. human settlement, existence and density of populated areas, existing and planned future land use, and management plans;
- B. the natural environment, public and designated lands, including but not limited to natural areas, wildlife habitat, water, and recreational lands;
- C. lands of historical, archaeological, and cultural significance;
- D. economies within the route, including agricultural, commercial or industrial, forestry, recreational, and mining operations;
- E. pipeline cost and accessibility;
- F. use of existing rights-of-way and right-of-way sharing or paralleling;
- G. natural resources and features;
- H. the extent to which human or environmental effects are subject to mitigation by regulatory control and by application of the permit conditions contained in part 4415.6000 for pipeline right-of-way preparation, construction, cleanup, and restoration practices;
- I. cumulative potential effects of related or anticipated future pipeline construction; and
- J. the relevant applicable policies, rules, and regulations of other state and federal agencies, and local government land use laws including ordinances adopted under Minnesota Statutes, section 299J.05, relating to the location, design, construction, or operation of the proposed pipeline and associated facilities.

PERMIT CONDITIONS

4415.6000 **RIGHT-OF-WAY PREPARATION, CONSTRUCTION, CLEANUP, AND RESTORATION.**

The following conditions apply to pipeline right-of-way preparation, construction, cleanup, and restoration.

- A. The permittee shall comply with applicable state rules and regulations.

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B. The permittee shall clear the right-of-way only to the extent necessary to assure suitable access for construction, safe operation, and maintenance of the pipeline.

C. Stream banks disturbed by pipeline construction must be stabilized with vegetation by the permittee using native plant species indigenous to the area or by other methods required by applicable state or federal permits or laws.

D. Precautions shall be taken by the permittee to protect and segregate topsoil in cultivated lands unless otherwise negotiated with the affected landowner.

E. Compaction of cultivated lands by the permittee must be kept to a minimum and confined to as small an area as practicable.

F. Precautions to protect livestock and crops must be taken by the permittee unless otherwise negotiated with the affected landowner.

G. All appropriate precautions to protect against pollution of the environment must be taken by the permittee.

H. All waste and scrap that is the product of the pipeline construction process must be removed or properly disposed of before construction ends.

I. Cleanup of personal litter, bottles, and paper deposited by right-of-way preparation and construction crews must be done on a daily basis.

J. The permittee shall repair or replace all drainage tiles broken or damaged during right-of-way preparation, construction, and maintenance activities, unless otherwise negotiated with the affected landowner.

K. The permittee shall repair private roads and lanes damaged when moving equipment or when obtaining access to the right-of-way, unless otherwise negotiated with the affected landowner.

L. The permittee shall replace or repair all fences and gates removed or damaged as a result of right-of-way preparation, construction, and restoration activities, unless otherwise negotiated with the affected landowner.

M. Shelterbelts and trees must be protected by the permittee to the extent possible in a manner compatible with the safe operation, maintenance, and inspection of the pipeline.

N. The permittee shall, to the extent possible, restore the area affected by the pipeline to the natural conditions that existed immediately before construction of the pipeline. Restoration must be compatible with the safe operation, maintenance, and inspection of the pipeline.

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O. Any other conditions determined by the EQB to be reasonable on the basis of the record in the proceeding and relevant to minimizing environmental and human impact.

4415.6100. REVIEW OF PLAN AND PROFILE AND RIGHT-OF-WAY CONSTRUCTION SPECIFICATIONS.

Following issuance of a pipeline routing permit, a permittee shall provide the chair with a plan and profile of the right-of-way and the specifications and drawings for right-of-way preparation, construction, and restoration at least 14 days before right-of-way preparation of that segment of the pipeline. The chair may shorten this time limit if it can be shown that earlier construction will not preclude proper review. If the permittee makes any significant change in its plan and profile and the specifications and drawings for right-of-way preparation, construction, and restoration, it shall notify the chair in writing of the changes.

4415.6200 INSPECTION AND MONITORING

The EQB shall include in the permit as a condition a requirement that the permittee provide for inspection of the pipeline during the entire construction period to monitor compliance with the conditions of the permit. The EQB may require the permittee to pay the costs incurred by the EQB in performing its own inspection and monitoring of construction. The EQB may require the permittee to submit periodic reports on the status of construction and compliance with permit conditions.

4415.6300. AGRICULTURAL IMPACT MITIGATION PLAN

The EQB may require the permittee to prepare an agricultural impact mitigation plan that sets forth methods to mitigate the impact of pipeline construction on any agricultural lands that will be crossed. The agricultural impact mitigation plan shall become a condition of the permittee.

GENERAL PERMIT REQUIREMENTS

4415.7000 DELAY IN ROUTE CONSTRUCTION.

When the EQB issues a pipeline routing permit, the permittee may begin construction or improvement of the route in accordance with the conditions of the permit and this chapter. However, if construction and improvement have not begun within four years after the pipeline routing permit has been issued by the EQB, the EQB shall suspend the permit. If at that time, or at a later time after suspension, the permittee decides to construct the proposed pipeline, it shall certify to the EQB that there have been no significant changes in any material aspects of the conditions or circumstances existing when the permit was issued. If the EQB determines that there are no significant changes, it shall reinstate the permit. If the EQB determines that there is a significant change, it may order a public information meeting or a new

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hearing and consider the matter further, or it may require the permittee to submit a new application.

4415.7100 . EMINENT DOMAIN . After an applicant is issued a pipeline routing permit pursuant to chapter 4415, the permittee may exercise the right of eminent domain as provided by Minnesota Statutes, section 117.48. In addition, when a pipeline routing permit has been issued, the requirements of Minnesota Statutes, sections 116I.02 and 117.49, do not apply.

4415.7200. PERMIT AMENDMENT

Subpart 1. **Authority.** The chair may amend any of the conditions in a pipeline routing permit issued by the EQB upon request of any person.

Subp. 2. **Process.** The person requesting an amendment of a condition in a pipeline routing permit shall submit an application to the chair in writing describing the amendment sought and the reasons for the amendment. The chair shall mail notice of receipt of the application to those persons on the general list and to those persons on the project list if such a list exists. The chair shall provide at least a ten-day period for interested persons to submit comments on the application or to request that the matter be brought to the board for consideration.

Subp. 3. **Decision.** The chair shall decide within ten days after close of the public comment period whether to approve the amendment request or to bring the matter to the board for consideration. The chair shall notify the applicant in writing of the chair's decision and send a copy of the decision to any person who requested notification or filed comments on the application.

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4415.7300. TRANSFER OF PERMIT

Subpart 1. **Application.** A permittee holding a pipeline routing permit may request the EQB to transfer its permit. The permittee shall provide the name of the existing permittee, the name and description of the entity to which the permit is to be transferred, the reasons for the transfer, a description of the facilities affected, and the proposed effective date of the transfer. The person to whom the permit is to be transferred shall provide the EQB with such information as the EQB shall require to determine whether the new permittee can comply with the conditions of the permit. The chair shall mail notice of receipt of the application to those persons on the general list at least seven days in advance of the board's consideration of the matter. The chair shall provide the same notice to persons on the project contact list if such a list exists.

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Subp. 2. **Approval of transfer.** The board shall approve the transfer if the board determines that the new permittee will comply with the conditions of the permit. The board, in approving the transfer of a permit, may impose reasonable additional conditions in the permit as part of the approval. The board may decide to hold a public meeting to provide the public with an opportunity to comment on the request for the transfer prior to making a decision.

4415.7400. REVOCATION OR SUSPENSION OF PERMIT

Subpart 1. **Initiation of action to revoke or suspend.** The board may initiate action to consider revocation or suspension of a permit on its own motion or upon the request of any person who has made a prima facie showing by affidavit and documentation that a violation of the act, this chapter, or the permit has occurred.

Subp. 2. **Hearing.** If the board initiates action to consider revocation or suspension of a permit, the board shall provide the permittee with an opportunity for a contested case hearing conducted by an administrative law judge from the Office of Administrative Hearings.

Subp. 3. **Finding of violation.** If the board finds that a violation of this chapter or the permit has occurred, it may revoke or suspend the permit, require the permittee to undertake corrective or ameliorative measures as a condition to avoid revocation or suspension, or require corrective measures and suspend the permit. In determining the appropriate sanction, the board shall consider the following:

A. whether the violation will result in any significant additional adverse environmental effects;

B. whether the results of the violation can be corrected or ameliorated; and

C. the time required to undertake corrective or ameliorative measures and the impacts to the permittee and others that may result from delay in construction of the pipeline.

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Subp. 4. **Modification.** The board may decide to modify the permit instead of revoke or suspend it. If the board decides to modify the pipeline routing permit, the permit modifications must address the violations that are found to have occurred.

Subp. 4. **Temporary suspension.** If the board finds that violations of the permit may continue during the time the board is considering final action pursuant to this part, the board may issue an order temporarily suspending construction of the pipeline or taking other action necessary to protect the status quo during the proceeding.

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4415.7500 TERMINATION OF BOARD JURISDICTION OVER PIPELINE ROUTING PERMIT.

Permittees shall file with the board a written certification that the permitted pipeline construction has been completed in compliance with all permit conditions. The certification shall be considered by the board within 60 days of its filing. The board shall accept or reject the certification of completion and make a final determination regarding cost or reimbursements due. If the board rejects the certification, it shall inform the permittee in writing which deficiencies, if corrected, will allow the certification to be accepted. When corrections to the deficiencies are completed, the permittee shall notify the board, and the board shall reconsider the certification at its next regularly scheduled meeting, provided the notification is received at least 20 days before the meeting. After acceptance of the certification by the board, the board's jurisdiction over the permittee's pipeline routing permit shall be terminated.

4415.7600 PIPELINE EMERGENCY ACTION AND PROCEDURES.

Subpart 1. **Pipeline emergency action.** In the rare situation where immediate action by a pipeline company whose pipeline system requires the immediate construction of a pipeline is considered essential to avoid or eliminate an imminent threat, prevent injury, loss of life, property damage, or loss of essential public services, a pipeline project may be undertaken without the review that would otherwise be required by this chapter.

Subp. 2. **Pipeline emergency procedures.** The pipeline company shall notify and demonstrate to the chair, either orally or in writing, that immediate action is essential and must receive temporary authorization from the chair to proceed. All oral requests must be followed by a written request within three working days. Temporary authorization to proceed must be determined by the chair as soon as possible after the request is made and must be limited to only those aspects of the project necessary to control the immediate impacts of the emergency.

A. If temporary authorization to proceed is granted by the chair, the pipeline company must appear at the next board meeting to seek authorization from the board to continue activities necessary to remedy the emergency. Other aspects of the project remain subject to review under this chapter.

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B. If temporary authorization to proceed is denied by the chair, the pipeline company may request and be granted an immediate special meeting of the board under part 4405.0600, subpart 4. The board shall then determine whether a pipeline emergency exists and whether temporary authorization for the pipeline company to proceed with immediate construction is appropriate.

INFORMATION BOOK

4415.8000. APPLICABLE PROJECTS

The requirements of parts 4415.8000 to 4415.8400 shall apply to persons proposing to construct a pipeline that does not require a pipeline routing permit from the EQB and meets one of the following:

A. Any pipeline used to transport natural or synthetic gas at a pressure of more than 90 pounds per square inch;

B. Any pipeline used to transport crude petroleum or petroleum fuels or oil or their derivatives to a distribution center or storage facility that is located within or without the state;

C. Any pipeline used to transport coal, anhydrous ammonia, or any mineral slurry to a distribution center or storage facility that is located within or without the state.

4415.8100 NOTIFICATION

Subpart 1. **Notification.** Any person proposing to construct or operate a pipeline that meets the requirements of part 4415.8000 shall notify the chair in writing of the intent to construct such a pipeline.

Subp. 2. **Contents of notice.** The notice shall contain the following information:

A. the name of the person or organization intending to construct the pipeline.

B. A description of the route on which the pipeline is proposed to be located in sufficient detail so that the owners or lessees of property on which the pipeline is proposed to be located can be identified;

C. The size and type of pipeline to be constructed;

D. The types of commodities to be carried;

E. The construction and operational characteristics of the pipeline;
and

F. Whether the person intends to prepare the information book

Subp. 3. **Fees.** The person submitting the notice to the EQB shall include a check for \$25,000, or such smaller sum as the chair shall approve.

Subp. 4. **Supplemental information.** The chair shall notify the person submitting the information whether the information is complete within twenty days after receipt of the information required in subpart 2. If the EQB should request supplemental information, the time for the EQB to prepare an information book under part 4415.8200 shall not commence until the requested supplemental information has been submitted.

4415.8200 PREPARATION OF INFORMATION BOOK

Subpart 1. **Preparation.** The EQB shall prepare an information book on the proposed pipeline within 45 days after receiving the notice and information and fees required under part 4415.8100.

Subp. 2. **Contents of information book.** The information book shall contain the following information:

A. A description of the pipeline proposed for construction, including the proposed route, types of commodities to be carried, size of the line, and construction and operational characteristics.

B. An explanation of the steps that must be taken to acquire right-of-way for the pipeline and of the rights and alternatives of the owner;

C. An explanation of the legal requirements that must be met in constructing the pipeline; and

D. An explanation of the county inspection procedure and instructions for contacting the inspector in the event of noncompliance with legal requirements.

Subp. 3. **Proposer preparation.** The EQB shall allow the project proposer to prepare the information book at its own expense provided the person has notified the EQB of such intent and the EQB determines that the person has the capability to prepare the information book. If the EQB allows the person to prepare the information book, the person shall submit the book to the EQB for approval upon completion. The information book must contain all the information that is required under subpart 2. The EQB may approve the book, direct the person to supplement it, or determine that the EQB will prepare the book itself. If the EQB approves the book as prepared by the

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person, the EQB may still charge the person the EQB's costs in reviewing the book and attending public meetings on the pipeline.

Subp. 4. **Distribution of information book.** The person proposing to construct the pipeline shall have the obligation of distributing the information book to each owner or lessee or property from whom an easement or agreement will be required to construct the pipeline.

4415.8300 PROHIBITIONS

Subpart 1. **No easements.** The person proposing to construct the pipeline shall not negotiate or acquire an easement or right-of-way agreement until the following has occurred:

A. A public meeting has been held as provided in Minnesota Statutes section 116I.04 in the county in which the right-of-way in question is located; and

B. The person has provided a copy of the information book to the owner or lessee from whom an easement or agreement is acquired.

Subp. 2. **No construction.** The person proposing to construct the pipeline shall not commence construction of the pipeline until the requirements of parts 4415.8000 to 4415.8400 have been complied with and the person has obtained the necessary permits or other authorizations from the local units of government.

4415.8400. REVISION OF ROUTE

Subpart 1. **Notification.** The project proposer shall notify the chair immediately upon a determination that the route will be changed from what was originally proposed and described in the information book.

Subp. 2. **Revision of information book.** Within 45 days of receipt of notice of a change in the route, the EQB shall prepare and make available a revision of the information book describing the new route and containing other required information relevant to the new route.

Subp. 3. **Distribution.** If the original information book is revised, the project proposer shall provide every owner or lessee of property that the original route did not affect but who is affected by the new route with a copy of the revised information book.

REPEALER

[\[List of provisions in existing rules that are to be repealed.\]](#)

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